

Amendment(s) to the Drawings:

The attached sheet of drawings includes changes to Fig. 1 on sheet 2 of 10. This sheet, which now includes Figs. 2A, 3 and 4 replaces the original sheet including Figs. 1, 3 and 4.

Attachment: Replacement Sheet
Annotated Sheet Showing Changes

REMARKS/ARGUMENTS

Claims 1, 3-19, 21-33 and 35-46 are pending in the application. Claims 1, 3-19, 21-33 and 35-46 were rejected in the Office Action. Claims 1, 19 and 33 have been amended. No new matter has been added. Applicants respectfully request re-examination and reconsideration of the pending claims.

Specification

Subject matter referring to "a guidewire tube ... being non-detachably coupled to the catheter shaft within the sheath" was objected to under 35 U.S.C. § 132(a) as introducing new matter. The objection is traversed in part and overcome in part for the following reasons.

The subject matter of a claim need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement. M.P.E.P. § 2163.02. To satisfy the written description requirement, an applicant must convey with reasonable clarity to those skilled in the art that, as of the filing date sought, he or she was in possession of the invention as now claimed. An applicant shows possession of the claimed invention by describing the claimed invention with all of its limitations using such descriptive means as words, structures, figures, diagrams, and formulas that fully set forth the claimed invention. M.P.E.P. § 2163.02.

Paragraph 0014 of the originally filed specification discloses that the guidewire tube is fixed relative to the catheter shaft and may be attached thereto. Paragraph 0025 further discloses that a guidewire tube extends through an exit port and has a proximal extremity disposed outside of the sheath and a distal extremity disposed within the sheath that is coupled to the catheter shaft or expandable member. Paragraph 0057 in conjunction with Figs. 2A-2B also disclose that proximal end 74 of tubular leg 72 is fixed to distal end 68 of inner shaft 27 and to guidewire tube 34. Based on this disclosure, one of ordinary skill in the art would recognize that the guidewire tube could be non-detachably coupled to the catheter shaft within the sheath.

Nevertheless, in order to expedite prosecution, claims 1, 19, 33 have been amended to recite in part a guidewire tube ... fixedly attached to the catheter shaft within the

sheath, and thus the matter to which the Examiner objected has been removed. Applicants respectfully request that the 35 U.S.C. § 132(a) objection be withdrawn.

Claim Rejections Under 35 U.S.C. § 112

Claims 1, 3-19, 21-33 and 35-46 were rejected under 35 U.S.C. § 112 first paragraph as failing to comply with the written description requirement. The rejection is traversed in part and overcome in part for the following reasons.

In the Office Action the Examiner stated that the claims contained subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors had possession of the claimed invention at the time the application was filed. However, as discussed above, the subject matter of the claim need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement. M.P.E.P. § 2163.02. To satisfy the written description requirement, an applicant must convey with reasonable clarity to those skilled in the art that, as of the filing date sought, he or she was in possession of the invention as now claimed. An applicant shows possession of the claimed invention by describing the claimed invention with all of its limitations using such descriptive means as words, structures, figures, diagrams, and formulas that fully set forth the claimed invention. M.P.E.P. § 2163.02.

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Nevertheless, in order to expedite prosecution, claim 1 has been amended to recite in part that the apparatus comprises a guidewire tube being fixedly attached to the catheter shaft

within the sheath. Claims 19 and 33 have similarly been amended and support for this amendment may be found in paragraphs 0014, 0025 and 0057 of the specification as filed, therefore no new matter has been added. Applicants respectfully request withdrawal of the 35 U.S.C. § 112 rejection and allowance of claims 1, 3-19, 21-33 and 35-46.

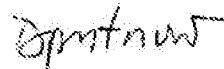
CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

Jeffrey J. Grainger
Reg. No. 36,815



By: Douglas Portnow
Reg. No. 59,660

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300
Attachments
D3P:jke
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